

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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JOE H. BANDY, III,

Civil No. 13-0204 (JRT/LIB)

Petitioner,

v.

**ORDER**

STATE OF MINNESOTA,

Respondent.

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Joe H. Bandy, III, #125257, MCF- Rush City, 7600 525<sup>th</sup> Street, Rush City, MN 55069, pro se petitioner.

Matthew Frank, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL**, 445 Minnesota Street, Suite 1800, St. Paul, MN 55101, for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated February 12, 2013. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 6], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's habeas corpus petition [Docket No. 1] is **DENIED**;
2. This action is **DISMISSED WITHOUT PREJUDICE**; and
3. Petitioner is **NOT** granted a Certificate of Appealability.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 22, 2013  
at Minneapolis, Minnesota

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge